

NOVEMBER 5, 2007

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

07 C 6264

JEFFREY WEINSTEIN,

COMPLAINT

Plaintiff,

v.

JUDGE GUZMAN
MAGISTRATE JUDGE VALDEZ
Civil Action No.

MERCHANTS' CREDIT GUIDE COMPANY,

JURY TRIAL DEMANDED

Defendant.

COMPLAINT

I. INTRODUCTION

1. This action is brought by Plaintiff Jeffrey Weinstein for statutory damages against Defendant Merchants' Credit Guide Company for violations of the Fair Debt Collection Practices Act, 15 U.S.C. §§ 1692 et seq. (hereinafter referred to as "FDCPA"), which prohibits debt collectors from engaging in abusive, deceptive, and unfair practices.

II. JURISDICTION

2. Jurisdiction of this court arises under 15 U.S.C. § 1692k(d) and 28 U.S.C. § 1331. Venue is proper in this district as all relevant events took place here.

III. PARTIES

3. Plaintiff Jeffrey Weinstein is an individual who resides in Chicago, Illinois.

4. Mr. Weinstein is a consumer as defined by the FDCPA, 15 U.S.C. § 1692a(3).

5. Defendant Merchants' Credit Guide Company (hereinafter referred to as "MCG") is a corporation organized under the laws of the State of Illinois with its "Executive Offices" at

223 West Jackson Boulevard, Chicago, Illinois.

6. MCG is engaged in the collection of debts from Illinois consumers using the mail and telephone.

7. MCG regularly attempts to collect consumer debts alleged to be due to another.

8. MCG was and is a "debt collector" as defined by the FDCPA, 15 U.S.C. §1692a(6).

IV. FACTUAL ALLEGATIONS

9. During the second half of 2006, Mr. Weinstein incurred an alleged debt to Chicago Orthopaedics and Sports Medicine for medical treatment and/or services ("the Debt").

10. Mr. Weinstein did not pay the Debt because he believed his out-of-pocket maximum had been reached and his health insurance would pay the Debt.

11. The Debt was incurred for personal, family, or household purposes, *i.e.*, medical treatment and/or services.

12. The Debt was due prior to when MCG obtained the Debt.

13. On or about May 4, 2007, MCG arranged for the preparation and transmittal of a letter to Mr. Weinstein at his residence in an attempt to collect the Debt.

14. MCG's May 4, 2007, letter was mailed in an envelope with two transparent windows. A copy of how the envelope appeared with the letter inside is attached hereto as Exhibit A.

15. Showing through the bottom transparent window of the envelope were Mr. Weinstein's mailing address, as well as the following portions of the body of the letter within:

We sent you a first notice which include ...

Fair Debt Collection Practices Act. Yo ...
exercise your rights...

See Exhibit A.

16. The information viewable through the bottom transparent window indicated that the letter to Mr. Weinstein was regarding debt collection.

V. COUNT ONE – FAIR DEBT COLLECTION PRACTICES ACT

17. Plaintiff repeats, realleges, and incorporates by reference the foregoing paragraphs.

18. Defendant's violations of the FDCPA include, but are not limited to

- A. using any unfair or unconscionable means to collect or attempt to collect any debt in violation of 15 U.S.C. § 1692f; and
- B. using any language or symbol, other than the debt collector's address, on any envelope when communicating with a consumer by use of the mails or by telegram in violation of 15 U.S.C. § 1962f(8).

19. As a result of MCG's violations of the FDCPA, Plaintiff is entitled to an award of statutory damages, costs and reasonable attorney fees.

VI. REQUEST FOR RELIEF

WHEREFORE, Plaintiff Jeffrey Weinstein requests that judgment be entered in his favor against Defendant Merchants' Credit Guide Company for:

- A. Statutory damages pursuant to 15 U.S.C. § 1692k(a)(2);
- B. Costs and reasonable attorney fees pursuant to 15 U.S.C. § 1692k(a)(3);
and
- C. For such other relief as the Court may find to be just and proper.

VII. JURY DEMAND

Plaintiff Jeffrey Weinstein hereby demands that this case be tried before a Jury.

s/ Craig M. Shapiro
Craig M. Shapiro
O. Randolph Bragg
HORWITZ, HORWITZ & ASSOCIATES, LTD..
25 East Washington Street Suite 900
Chicago, Illinois 60602
(312) 372-8822
(312) 372-1673 (Facsimile)

ATTORNEYS FOR PLAINTIFF JEFFREY WEINSTEIN

EXHIBIT A

OAKS, PA 19456

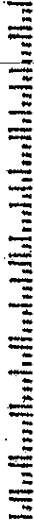


Office Hours: Central Standard Time

JEFFREY WEINSTEIN

CHICAGO IL

We sent you a first notice which included
Fair Debt Collection Practices Act. You
exercise your rights.



FIRST-CLASS MAIL
PRESORTED
US POSTAGE
PAID
PSC

FIRST-CLASS